

REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claims 1, 18 and 20 have been amended for clarity.

The Examiner has rejected claims 1 and 20 under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. With regard to claim 1, Applicant submits that the above changes to claim 1 tie the method to an apparatus for performing each of the steps. With regard to claim 20, Applicant notes that the subject matter is a computer-readable medium having a computer program stored thereon, in which the computer program causes a computer to perform the steps of a method. According to MPEP §2106.01(I):

"In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035."

In view of the above, Applicant submits that both claims 1 and 20 are indeed statutory.

The Examiner has rejected claims 1-8, 10-14 and 18-20 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 7,146,627 to Ismail et al. in view of U.S. Patent 7,096,484 to Mao et al., and further in view of U.S. Patent Application Publication No. 2004/0172650 to Hawkins et al. The Examiner has further

rejected claims 15-17 under 35 U.S.C. 103(a) as being unpatentable over Ismail et al. in view of Mao et al. and Hawkins et al., and further in view of U.S. Patent 6,100,941 to Dimitrova et al.

The Ismail et al. patent discloses a method and apparatus for delivery of targeted video programming, in which a user's set-top box receives a broadcast stream containing commercials, accesses meta-data from the commercials, compares the meta-data with stored user profile data.

The Mao et al. patent discloses a digital TV system with synchronized world wide web content, in which a set-top box receives URL's of websites related to commercials being broadcast, and the user selectively accesses these URL's.

The Hawkins et al. publication discloses a targeted content delivery system in an interactive television network, in which a user manually fills out a viewer opt-in form for establishing the user profile.

The Examiner has indicated that As to "detecting the commercials in said data stream and extracting, at said user site, descriptive information from the detected commercials in the data stream" Ismail discloses (col.41, lines 1-9) that the preference agent in the receiver detects the meta-data contained in each advertisement content streaming within the broadcast signal."

Applicant submits that while Ismail et al. discloses detecting the meta-data, this meta-data describes the targeted audience and not the detected commercial. In the claimed invention,

the extracted descriptive information describes the detected
commercials.

Applicant further submits that neither Mao et al. nor
Hawkins et al. describe or suggest this limitation.

In view of the above, Applicants believe that the subject
invention, as claimed, is not rendered obvious by the prior art,
either individually or collectively, and as such, is patentable
thereover.

Applicants believe that this application, containing
claims 1-8 and 10-20, is now in condition for allowance and such
action is respectfully requested.

Respectfully submitted,

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